

# EXHIBIT A

# TRANSCRIPTION AND TRANSLATION

United States,  
Plaintiff

Case Number: 19-CR-01300-MV

Vs.

Daniela Cota-Guitimea,  
Defendant

Recording

1190416\_1241

United States  
 Vs.  
 Daniela Cota-Guitimea  
 Audio File 1 190416\_1241

Case No.: 19-CR-01300-MV

### Key

AP	Agent Perry
UFV1	Unidentified Female Voice 1
UMV1	Unidentified Male Voice 1
UFV2	Unidentified Female Voice 2
UFV3	Unidentified Female Voice 3
UFV4	Unidentified Female Voice 4
DCG	Daniela Cota-Guitimea
DM	Detective Montoya
u/i	Unintelligible utterance
VO	Voices overlap
BV	Background voices
Phon	Lexical item is spelled phonetically
Ital	In the Translation column, this indicates an utterance that is originally in English.
BN	Background noise
sic	Utterance is transcribed verbatim or translated to reflects original error
[ ]	Brackets are used to separate the transcriber's/translator's remarks from the original spoken word

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Vs.

Daniela Cota-Guitimea

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LINE	SPEAKER	TRANSCRIPTION	TRANSLATION
1.	AP	Hello ma'am. How you doing today?	Hello ma'am. How you doing today?
2.	UFV1	Good.	Good.
3.	AP	Good. I'm a police officer	Good. I'm a police officer
4.	UFV1	U-hum	U-hum
5.	AP	And we check the train here, we're speaking with [VO]	And we check the train here, we're speaking with [VO]
6.	UFV1	Okay.	Okay.
7.	AP	The passengers. May I speak with you for a moment?	The passengers. May I speak with you for a moment?
8.	UFV1	Sure.	Sure.
9.	AP	Do you have your ticket with you [BV]?	Do you have your ticket with you [BV]?
10.	UFV1	Let me...	Let me...
11.	AP	May I see it please?	May I see it please?
12.	UFV1	U-hum.	U-hum.
13.	AP	How's your trip going?	How's your trip going?
14.	UFV1	It's pretty good so far.	It's pretty good so far.
15.	AP	Where you headed to?	Where you headed to?
16.	UFV1	Ohio [BV, u/i] ...	Ohio [BV, u/i] ...
17.	AP	Yeah?	Yeah?
18.	AP	Are you traveling with somebody else?	Are you traveling with somebody else?
19.	UFV1	[BV, u/i] Yeah, well, he is like, in the bathroom in the station ...	[BV, u/i] Yeah, well, he is like, in the bathroom in the station ...
20.	AP	Okay. Maria Sampayo [VO] Ar-ti-a-ga?	Okay. Maria Sampayo [VO] Ar-ti-a-ga?
21.	UFV1	Artiaga	Artiaga
22.	AP	Artiaga? Thank you. So, you started out in California?	Artiaga? Thank you. So, you started out in California?
23.	UFV1	[i/a]	[i/a]
24.	AP	You live out there or live in Ohio?	You live out there or live in Ohio?
25.	UFV1	[VO] I live in Fresno, so we are going there for business.	[VO] I live in Fresno, so we are going there for business.
26.	AP	Oh, what kind of business you all going for?	Oh, what kind of business you all going for?
27.	UFV1	Uh, we do... I don't know if you've heard Kirby, the vacuums...	Uh, we do... I don't know if you've heard Kirby, the vacuums...
28.	AP	Yes	Yes

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29.	UFV1	That direct sell [u/i], we're going there for a couple of training, so we're self-trainers, so...	That direct sell [u/i], we're going there for a couple of training, so we're self-trainers, so...
30.	UMV2	Yeah.	Yeah.
31.	AP	How long are you going to be out there? When is your ticket back home?	How long are you going to be out there? When is your ticket back home?
32.	UFV1	We're going to be there for two days.	We're going to be there for two days.
33.	AP	You coming back on the train?	You coming back on the train?
34.	UFV1	Yeah.	Yeah.
35.	AP	So, you, are you selling vacuums or...	So, you, are you selling vacuums or...
36.	UFV1	No, uhm,	No, uhm,
37.	AP	Just [u/i]	Just [u/i]
38.	UFV1	[VO] we're, we're the service trainers, we pretty much, we train, we train people how to sell 'em.	[VO] we're, we're the service trainers, we pretty much, we train, we train people how to sell 'em.
39.	AP	Oh...	Oh...
40.	UFV1	[VO] Yeah, so we gonna go over there	[VO] Yeah, so we gonna go over there
41.	AP	[VO]...so you are trainers	[VO]...so you are trainers
42.	UFV1	Yeah, so we gonna go there and get more training on how to train other people [laughs]	Yeah, so we gonna go there and get more training on how to train other people [laughs]
43.	AP	Have you ever traveled on a train before?	Have you ever traveled on a train before?
44.	UFV1	First time.	First time.
45.	AP	How you like it?	How you like it?
46.	UFV1	It's pretty good, actually I liked it a lot.	It's pretty good, actually I liked it a lot.
47.	AP	Well, we come down, because Amtrak really doesn't have a lot of security.	Well, we come down, because Amtrak really doesn't have a lot of security.
48.	UFV1	U-huh.	U-huh.
49.	AP	So, we come down to speak to as many passengers as we can for security reasons.	So, we come down to speak to as many passengers as we can for security reasons.
50.	UFV1	U-huh.	U-huh.

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51.	AP	And so, there's a problem with people carrying contraband on the train due to the lack of security...	And so, there's a problem with people carrying contraband on the train due to the lack of security...
52.	UFV1	Uh-huh	Uh-huh
53.	AP	... like weapons, illegal narcotics, hopefully no explosives...	... like weapons, illegal narcotics, hopefully no explosives...
54.	UFV1	Hopefully not.	Hopefully not.
55.	AP	Yeah, that's why we are here. Do you, uh, do you guys have luggage on the train with you, ma'am?	Yeah, that's why we are here. Do you, uh, do you guys have luggage on the train with you, ma'am?
56.	UFV1	Uh, we have our bags, a carry on and [u/i] bags. If you want to check them?	Uh, we have our bags, a carry on and [u/i] bags. If you want to check them?
57.	AP	These are yours over here?	These are yours over here?
58.	UFV1	Yeah, these two are ours.	Yeah, these two are ours.
59.	AP	Okay. They got a place for you guys to stay at there yet or...?	Okay. They got a place for you guys to stay at there yet or...?
60.	UFV1	Uhm, yeah, we have a hotel in Ohio, that they are waiting for us.	Uhm, yeah, we have a hotel in Ohio, that they are waiting for us.
61.	AP	What part of Ohio you going to?	What part of Ohio you going to?
62.	UFV1	Uh, Cleveland.	Uh, Cleveland.
63.	AP	Oh, have you been there before?	Oh, have you been there before?
64.	UFV1	Never, so I'm not familiar with the area [VO]	Never, so I'm not familiar with the area [VO]
65.	UFV2	[u/i]	[u/i]
66.	AP	So, do you travel around the country doing this?	So, do you travel around the country doing this?
67.	UFV1	No, this will be our first trip.	No, this will be our first trip.
68.	AP	Really?	Really?
69.	UFV1	Yeah, so it's exiting.	Yeah, so it's exiting.
70.	AP	Okay. Alright.	Okay. Alright.
71.	UFV1	Would you like to check our luggage?	Would you like to check our luggage?
72.	AP	It's okay.	It's okay.
73.	UFV1	Okay.	Okay.
74.	AP	Thank you. I appreciate it. You have a good trip	Thank you. I appreciate it. You have a good trip
75.	UFV1	Thank you so much.	Thank you so much.

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76.	AP	Thank you [BN] How you doing ma'am.	Thank you [BN] How you doing ma'am.
77.	UFV3	Good.	Good.
78.	UFV4	Good.	Good.
79.	AP	You all travelling [sic.] together?	You all travelling [sic.] together?
80.	UFV3	No.	No.
81.	AP	I am a police officer and we check the train here. May I speak with you for one moment?	I am a police officer and we check the train here. May I speak with you for one moment?
82.	UFV3	Sure.	Sure.
83.	AP	Do you have your ticket with you ma'am?	Do you have your ticket with you ma'am?
84.	UFV3	Yeah.	Yeah.
85.	UFV3	May I see it please? How's your trip?	May I see it please? How's your trip?
86.	UFV3	Lousy [u/i]	Lousy [u/i]
87.	AP	Well. I'm sorry to hear that	Well. I'm sorry to hear that
88.	UFV3	[Laughs] [u/i]	[Laughs] [u/i]
89.	AP	Where you headed to?	Where you headed to?
90.	UFV3	Uh, La Junta.	Uh, La Junta.
91.	AP	Oh, you don't have to far to go.	Oh, you don't have to far to go.
92.	UFV3	Yeah, not at all. It's almost over.	Yeah, not at all. It's almost over.
93.	AP	Yeah [BN]	Yeah [BN]
94.	UV	[u/i] my	[u/i] my
95.	UMV1	Why [u/i]? Do you need help [u/i]?	Why [u/i]? Do you need help [u/i]?
96.	AP	What's that?	What's that?
97.	UMV1	Well, I said why [u/i], they should be grateful, right. What can we do to make your trip better?	Well, I said why [u/i], they should be grateful, right. What can we do to make your trip better?
98.	AP	Thank you, ma'am. Thank you, Ms. Valdez. You have a good trip, okay.	Thank you, ma'am. Thank you, Ms. Valdez. You have a good trip, okay.
99.	UFV3	Thank you very much.	Thank you very much.
100.	AP	Sorry to interrupt your lunch, lunch or breakfast.	Sorry to interrupt your lunch, lunch or breakfast.
101.	UFV3	No, I know, I just gotta get something, I've got low blood sugar right now.	No, I know, I just gotta get something, I've got low blood sugar right now.
102.	AP	Okay.	Okay.

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103.	UMV1	Oh, I'm sorry man, I was just repeating, I'm trying to, I'm trying to try out to be one of these guys.	Oh, I'm sorry man, I was just repeating, I'm trying to, I'm trying to try out to be one of these guys.
104.	AP	Hello, ma'am. How you doing? I'm a police officer and we check the train here. May I speak to you for a moment?	Hello, ma'am. How you doing? I'm a police officer and we check the train here. May I speak to you for a moment?
105.	DCG	Uhm, boleto.	Uhm, ticket.
106.	AP	Yo soy un policía. ¿Me permite platicar con usted?	I'm a police officer. May I please speak with you?
107.	DCG	Sí.	Yes.
108.	AP	¿Me permite ver su boleto, por favor?	May I please see your ticket, please?
109.	DCG	Sí.	Yes.
110.	AP	¿Su destino?	Your destination?
111.	DCG	[i/a]	[i/a]
112.	AP	¿Cómo?	Excuse me?
113.	DCG	[u/i] Es [u/i] Chicago.	[u/i] It's [u/i] Chicago.
114.	AP	Uh, where's the other? The other part of it?	Uh, where's the other? The other part of it?
115.	DCG	¿Perdón?	Excuse me?
116.	AP	El boleto.	The ticket
117.	DCG	[u/i]	[u/i]
118.	AP	Okay. ¿Me permite ver su identificación por favor?	Okay, may I please see your identification, please?
119.	DCG	Sí.	Yes.
120.	AP	¿De dónde viene usted?	Where are you coming from?
121.	DCG	De Los Angeles	From Los Angeles.
122.	AP	¿Dónde vivo [sic] en Los Angeles o Chicago?	Where do I live, Los Angeles or Chicago?
123.	DCG	[u/i]	[u/i]
124.	AP	¿Mexicali?	Mexicali?
125.	DCG	[u/i]	[u/i]
126.	AP	Gracias. I'll get out of your way in just a minute, ma'am.	Thank you. I'll get out of your way in just a minute, ma'am.
127.	UFV3	[i/a] I'm in my own world right now.	[i/a] I'm in my own world right now.
128.	AP	Muchas gracias. There you go. Daniela Cota Gutemea [phon]	Thank you very much. There you go. Daniela Cota Gutemea [phon]
129.	DCG	Guitimea.	Guitimea.

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130.	AP	Gutemea [phon]. Nine, one, ninety-seven, okay. Gracias, muchas gracias. ¿Tiene equipaje allí abajo?	Gutemea [phon] Nine, one, ninety-seven, okay. Thank you, thank you very much. Do you have luggage below?
131.	DCG	Sí, una maleta.	Yes, one suitcase.
132.	AP	¿Cuánto? ¿Un maleta? ¿Tiene equipaje aquí?	How many? One suitcase? Do you have luggage here?
133.	DCG	[u/i]	[u/i]
134.	AP	Okay. Alright. Can you, uhm, ¿Poquito inglés o no inglés? [BN]	Okay. Alright. Can you, uhm, a little English or no English? [BN]
135.	DCG	Entiendo poquito.	I understand a little.
136.	AP	Alright. Can you, uh, ¿Maleta abajo?	Alright. Can you, uh. Suitcase below?
137.	DCG.	Sí.	Yes.
138.	AP	Okay, she's going to come up, stand up [u/i]. Sorry to interrupt ya, [phon] there again. Can I sit this here on you, ma'am?	Okay, she's going to come up, stand up [u/i]. Sorry to interrupt ya, [phone] there again. Can I sit this here on you, ma'am?
139.	UFV3	[u/i]	[u/i]
140.	AP	¿Puedo registrar por contrabando en sus maletas?	May I check your suitcase for contraband?
141.	DCG	Sí.	Yes.
142.	AP	Gracias, muchas gracias.	Thank you, thank you very much.
143.	UFV3	[u/i] thank you.	[u/i] thank you
144.	AP	¿Y su destino es Chicago?	And your destination is Chicago?
145.	DCG	Ejem.	U-hum.
146.	AP	¿Cuántos días en Chicago?	How many days in Chicago?
147.	DCG	Mmm, una semana.	U-hum, one week.
148.	AP	¿Vacations or trabajo?	Vacations or work?
149.	DCG	No, con mis primas.	No, with my cousins.
150.	AP	¿Cómo?	Excuse me?
151.	DCG	Con mis primas, cosins [phon]	With my cousins, cosins [phon]
152.	AP	Okey. Gracias.	Okay. Thank you.
153.	DCG	And my boyfriend.	And my boyfriend.
154.	AP	Oh, okey.	Oh, okay.
155.	UV	[u/i]	[u/i]
156.	DCG	[u/i]aquí.	[u/i]
157.	AP	No move. [sic] ¿Cuántas aquí?	Don't move. How many here?
158.	DCG	¿Cómo?	Excuse me?
159.	AP	Okey. ¿Dos maletas?	Okay. Two suitcases?
160.	DCG	No, una.	No, one.

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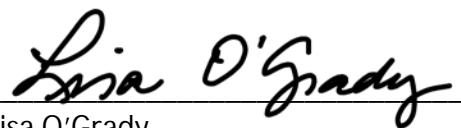
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161.	AP	Aquí or...	Here or...
162.	DCG	Aquí, uh .	Here, uh.
163.	AP	¿Me permite ver su, uh, boleto, por favor?	May I please see, your uhm ticket?
164.	DCG	Okey.	Okay
165.	AP	Gracias. So, uh, [u/i]	Thank you. So, uh, [u/i]
166.	DCG	Oh, ¿Puedo [u/i]?	Oh, can I [u/i]?
167.	AP	Sí.	Yes.
168.	DCG	Aquí.	Here.
169.	AP	So, ¿dos maletas? Or just uno.	So, two suitcases or just one.
170.	DCG	Nomás uno.	Just one.
171.	AP	Okey.	Okay.
172.	DCG	Es una maleta grande y la maleta chica que está allá arriba.	It's one large suitcase and the small suitcase that is up there.
173.	AP	Okey. ¿Me permite registrar por contrabando en su [sic] maletas?	Okay. May I please check your luggage for contraband?
174.	DCG	Sí.	Yes.
175.	AP	Okay. Alright. Gracias. [u/i]	Okay. Alright. Thank you. [u/i]
176.	DCG	Puedo [u/i]	May I [u/i]
177.	SA	Sí, sí.	Yes, yes.
178.	DCG	¿Sí? Gracias.	Yes? Thank you.
179.	AP	Mi amigo mucho habla español, un momento, ¿okey?	My friend speaks a lot of Spanish, one moment, okay.

I, Lisa O'Grady, a New Mexico Certified Court Interpreter, hereby certify that the foregoing transcription and translation of the recording 1 190416\_1241 in the matter of United States vs. Daniela Cota-Guitimea, Case No.: 19-CR-01300-MV, is true and accurate to the best of my training and ability.



Lisa O'Grady  
New Mexico Certified Court Interpreter

# EXHIBIT B

# TRANSCRIPTION AND TRANSLATION

United States,  
Plaintiff

Case Number: 19-CR-01300-MV

Vs.

Daniela Cota-Guitimea,  
Defendant

Recording

2190416\_1242

LOGRA INTERPRETING AND TRANSLATING SERVICES, LLC  
LOGRAITS.COM lograits@gmail.com

United States  
Vs.  
Daniela Cota-Guitimea  
Audio File 2 190416\_1242

Case No.: 19-CR-01300-MV

## Key

AP	Agent Perry
DCG	Daniela Cota-Guitimea
DM	Detective Montoya
UFV	Unidentified Femal Voice
u/i	Unintelligible utterance
VO	Voices overlap
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Phon	Lexical item is spelled phonetically
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LINE	SPEAKER	TRANSCRIPTION	TRANSLATION
1.	AP	Señora, mi, uh, amigo, mucho habla español	Ma'am, my, uh, friend speaks a lot of Spanish.
2.	DCG	Hola. [u/i]	Hello. [u/i]
3.	AP	Can you, she said she had a bag down here.	Can you, she said she had a bag down here.
4.	DM	Uhum	U-hum
5.	AP	Can you ask her if she carried any luggage on the train?	Can you ask her if she carried any luggage on the train?
6.	DM	¿Lleva bolsillos aquí, hoy?	Do you have pockets here, today?
7.	DCM	¿Perdón?	Excuse me?
8.	DM	¿Tiene bolsa?	Do you have bag?
9.	DCM	Eh, sí.	Uh, yes.
10.	DM	Uh, ¿ónde [sic] está?	Uh, where is it?
11.	DCM	Una, una maleta chica que llevo arriba conmigo.	A, a small suitcase that I have up above with me.
12.	DM	Y, y la maleta chica, ¿dónde está?	And, and the small suitcase, where is it?
13.	DCM	Arriba.	Up above.
14.	DM	¿Arriba?	Up above?
15.	DCM	Aja. Donde yo voy sentada.	U-huh. Where I'm seated.
16.	DM	Solamente ese, el último. [u/i]	Just that one, the last [u/i]
17.	DCM	No.	No.
18.	AP	Did, did she carry any luggage and put it down here?	Did, did she carry any luggage and put it down here?
19.	DM	¿Y aquí abajo?	And down here?
20.	DCM	Está una grande, pero no la veo. Ahí está.	There's a big one, but I don't see it. There it is.
21.	DM	¿No, no la veo?	No, I don't see it?
22.	DCM	No está. No 'stá [sic] ahí.	It's not here. It's not there.
23.	DM	She saying that she has a black bag but she doesn't see it here.	She saying that she has a black bag but she doesn't see it here.
24.	DCM	No está.	It's not here.
25.	AP	Okay, ask her if she carried it on the train with her.	Okay, ask her if she carried it on the train with her.
26.	DM	¿Subiste el, esos [sic] dos bolsas en el tren hoy?	Did you carry on the, those two bags on the train today?
27.	DCM	U-hum, sí.	U-huh, yes.
28.	DM	She said yes.	She said yes.
29.	DCM	Ayer.	Yesterday.

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30.	DM	Yes, yesterday.	Yes, yesterday.
31.	AP	Did she, did she check any bags at the station? Did she check 'em in at the station?	Did she, did she check any bags at the station? Did she check 'em in at the station?
32.	DM	¿So, cuando, cuando comenza [sic], traí [sic] los, los [sic] bolsas, le hicieron, ah, check, ahí en el [u/i]	So, when, when you start, I brang the, the bags, did they do, uh, check, there in the [u/i]
33.	DCM	Antes de tomar el tren me dijeron que tenía que sacar, eh, en una, en una caja, una caja mi ropa, la, ah, poquita ropa, entonces, eh, uhm, me, me subí al tren con mi, con mi maleta negra y, y esta, y la...	Before taking the train, they told me that I had to take out, uh, in a, in a box, a box, my clothes, the, uh, few clothes, so, uh, uhm, I, I got on the train with my, with my black suitcase, and, and this one, and the...
34.	DM	¿Y la otra?	And the other one?
35.	DCM	Y la otra, no, no sé.	And the other one, no, I don't know.
36.	DM	I wonder if it got checked in the uh, the baggage.	I wonder if it got checked in the uh, the baggage.
37.	DCM	No sé,	I don't know,
38.	AP	No, hang on. Eh, what, what's she saying?	No, hang on. Eh, what, what's she saying?
39.	DM	Okay, so, she's saying that when she came in, she came with the backpack she has on...	Okay, so, she's saying that when she came in, she came with the backpack she has on...
40.	DCM	U-hum	U-huh
41.	DM	...the other bag that's up there, the other bag it had clothing, they're saying that they had to put it in a box, but she doesn't know where it is at on the train.	...the other bag that's up there, the other bag it had clothing, they're saying that they had to put it in a box, and she doesn't know where it is at on the train.
42.	AP	Did, did she, did you specific, ask her specific, did she check it in at the station? And they, she's got two tags here.	Did, did she, did you specific, ask her specific, did she check it in at the station? And they, she's got two tags here.
43.	DM	Okay.	Okay.
44.	DCM	Yo pregunté que si con eso me podían dar mi, mi, mi, maleta llegando a Chicago y me dijeron que sí.	I asked if with that they could give me my, my, my suitcase on arrival in Chicago and they told me yes.

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45.	DM	She's saying that she asked them if these two would get her all of her bags, the other one, the one you're talking about, and they told her yes.	She's saying that she asked them if these two would get her all of her bags, the other one, the one you're talking about, and they told her yes.
46.	AP	So, she has two checked bags?	So, she has two checked bags?
47.	DM	Yes. [To DCM] Tiene dos bolsillas [sic] que chequear en esos, ¿sí?	Yes. [To DCM] You have two little bags to check in those, yes?
48.	DCM	Es una maleta grande, nada más.	It's a large suitcase, nothing else.
49.	DM	Okay, so she's saying one big bag.	Okay, so she's saying one big bag.
50.	DCM	Aja.	U-huh.
51.	AP	What's it look like?	What's it look like?
52.	DM	¿Qué, cómo se mira? ¿Qué color es?	What, what's it look like? What color is it?
53.	DCM	Es color gris.	It's gray.
54.	DM	It's gray.	It's gray.
55.	AP	Gray? Is it like a rolling suitcase?	Gray? Is it like a rolling suitcase?
56.	DCM	Sí,	Yes,
57.	DM	[laughs]	[laughs]
58.	DCM	Tiene, tiene, tiene para [u/i]	It, it, it has for [u/i]
59.	AP	You speak English?	You speak English?
60.	DCM	No, no, pero entiendo un poco.	No, no, but I understand a little.
61.	AP	So how come you have two tags then, if you only have one checked bag.	So how come you have two tags then, if you only have one checked bag.
62.	DCM	Yo creo que es, el, la maleta, y es el, el la, la caja. Me imagino, ¿no?	I think that it is the suitcase, and it's the, the, the, the box. I suppose, right?
63.	DM	Oh, so, she's saying she has uh....,	So, she's saying she has uh....,
64.	DCM	Por eso dice "dos".	That's why it says "two".
65.	DM	A suitcase and a box.	A suitcase and a box.
66.	AP	A box?	A box?
67.	DCM	Aja.	U-hum.
68.	DM	[u/i]	[u/i]
69.	AP	Okay, and where's she going to? Chicago?	Okay, and where's she going to? Chicago?
70.	DM	¿Adónde vas?	Where are you going to?
71.	DCM	A Chicago.	To Chicago.

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72.	DM	Okey.	Okay.
73.	AP	Did you, who's she going out there to see?	Did you, who's she going out there to see?
74.	DM	¿Y qué te [sic] va a hacer a, allá?	And what are you going to do o, over there?
75.	DCM	Allá voy con mis primas y, y, a conocer a un, boyfriend.	I'm going over there with my [female] cousins and, and to meet a, boyfriend.
76.	AP	And is she coming back on the train?	And is she coming back on the train?
77.	DCM	Chicago.	Chicago.
78.	DM	¿Y va a venir pa'tras [VO, u/i]?	And are you coming back [VO, u/i]?
79.	DCM	Sí, en una semana me regreso.	Yes, I return in a week.
80.	DM	¿Por el tren?	By the train?
81.	DCM	Sí. No, no, creo que en avión.	Yes. No, no, I think on a plane.
82.	DM	She's gonna fly back [VO, u/i]	She's gonna fly back [VO, u/i]
83.	DCM	Con mis primas.	With my cousins.
84.	AP	And how, how long she's staying?	And how, how long she's staying?
85.	DCM	Mis primas son de Tucson.	My cousins are from Tucson.
86.	DM	¿Cuántos días se va a quedar allá?	How many days are you going to stay over there?
87.	DCM	Una semana.	One week.
88.	UFV	Excuse me.	Excuse me.
89.	DM	One month, she's gonna stay.	One month, she's gonna stay.
90.	AP	Gracias. So, me permite revi--	Thank you. So, you allow me to sea--
91.	DM	I'm sorry, a week.	I'm sorry, a week.
92.	AP	Ask her permission to search these two bags she has, the box and the other suitcase.	Ask her permission to search these two bags she has, the box and the other suitcase.
93.	DM	Si puedo agarrar permiso para revisar estos two.	If I can grab permission to search these two.
94.	DCM	Sí, claro. Sí.	Yes, of course. Yes.
95.	DM	She said "yes".	She said "yes".
96.	DCM	Está bien.	That's fine.
97.	AP	Gracias, muchas gracias.	Thanks, thank you.
98.	DCM	De nada.	You're welcome.
99.	AP	¿Y me permite registrar por contrabando en su persona?	And will you allow me to search your person for contraband?

United States

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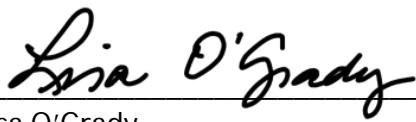
Vs.

Daniela Cota-Guitimea

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100.	DCM	Sí.	Yes.
101.	AP	Okay. Ask her if she can unzip her jacket.	Okay. Ask her if she can unzip her jacket.
102.	DM	¿Puedo...?	May I...?
103.	AP	Ask her	Ask her
104.	DM	Si puedo...	If I can...
105.	DCM	Sí.	Yes.
106.	AP	Ask her.	Ask her.
107.	DM	Si puedo, abrir su chamarra, por favor.	If I can, open you jacket, please.
108.	DCM	Sí.	Yes.
109.	DM	¿Dónde, aquí?	Where, here?
110.	AP	Muchas gracias, okey.	Thank you very much, okay.
111.	DCM	De nada.	You're welcome.
112.	AP	Okey. Gracias.	Okay. Gracias.

I, Lisa O'Grady, a New Mexico Certified Court Interpreter, hereby certify that the foregoing transcription and translation of the recording 2 190416\_1242 in the matter of United States vs. Daniela Cota-Guitimea, Case No.: 19-CR-01300-MV, is true and accurate to the best of my training and ability.



Lisa O'Grady  
New Mexico Certified Court Interpreter

# EXHIBIT C

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6 IN RE: USA v. DANIELA COTA-GUIITEMIA

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8

TRANSCRIPTION OF AUDIO PROCEEDINGS

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April 18, 2019

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1 A P P E A R A N C E S

2 For the United States:

3 MR. MATTHEW NELSON

4 For the Defendant:

5 MS. SARAH GORMAN

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9 :  
10 Q.  
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1           COURT CLERK: Court calls United States of  
2 America versus Daniela Cota.

3           MR. NELSON: Matthew Nelson on behalf of the  
4 United States, Your Honor.

5           THE COURT: Thank you, Mr. Nelson.

6           MS. GORMAN: Good morning, Your Honor, Sarah  
7 Gorman on behalf of Ms. Cota, with me now.

8           THE COURT: Thank you, Ms. Gorman. We are  
9 scheduled this morning for a preliminary hearing  
10 and, if appropriate, a detention hearing. Ms.  
11 Gorman, are you anticipating requiring evidence  
12 from the government?

13           MS. GORMAN: Yes, Your Honor, we're going to  
14 go forward on both the detention hearing and the  
15 probable cause hearing.

16           THE COURT: All right. Mr. Nelson, are you  
17 prepared to present evidence?

18           MR. NELSON: Yes, Your Honor.

19           THE COURT: All right. Ms. Gorman, if you  
20 and Ms. Cota would like to have a seat, we'll have  
21 the government present its evidence.

22           MS. GORMAN: Yes, Your Honor.

23           THE COURT: Thank you.

24           MR. NELSON: Your Honor, the United States  
25 calls Special Agent Jay Perry.

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1 (SPECIAL AGENT JARRELL PERRY was sworn in.)

2 COURT CLERK: Will you state and spell your  
3 name for the record?

4 THE WITNESS: My name is Jarrell W. Perry.

5 It's J-A-R-R-E-L-L P-E-R-R-Y.

6 DIRECT EXAMINATION BY MR. NELSON:

7 Q. Good morning, Agent Perry. Could you tell  
8 us where you're employed and what your job title  
9 is?

10 A. Special agent with the Drug Enforcement  
11 Administration here in Albuquerque.

12 Q. And how long have you worked in law  
13 enforcement -- law enforcement?

14 A. For approximately 27 years.

15 Q. And how long with the DEA?

16 A. A little over 20 years.

17 Q. And are you the case agent in the case we're  
18 speaking -- talking about today?

19 A. Yes, sir, I am.

20 Q. And are you familiar with the facts of this  
21 case?

22 A. Yes, sir, I am.

23 Q. Could you describe what happened on April  
24 16th, 2019, that led to the arrest of Daniela Cota?

25 A. Yes, sir. I was working at the Amtrak Train

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1 Station which is located here in Albuquerque, the  
 2 County of Bernalillo, State and District of New  
 3 Mexico. I was there to check an eastbound train  
 4 that makes a regularly scheduled stop here in  
 5 Albuquerque. Excuse me. I approached the  
 6 defendant, Ms. Cota, in this case, displayed my DEA  
 7 badge to her, identified myself as a police officer  
 8 and asked for permission to speak with her.

9           I asked her various questions about her  
 10 travel and then subsequently asked her if she had  
 11 any luggage with her. She stated that she had two  
 12 checked-in forms of luggage, one box and one bag.  
 13 She also had two luggage claim check ticket -- or  
 14 luggage claim check tickets stapled to her Amtrak  
 15 train ticket folder. I subsequently asked for and  
 16 received permission from her to search her two  
 17 forms of luggage for contraband. Excuse me. She  
 18 did give me permission to search them.

19           I located them. It was the same two tags  
 20 attached to those forms of luggage that she had  
 21 attached to her Amtrak train ticket. Conducted a  
 22 search of a rolling type of duffle bag which also  
 23 had a name tag with her name on it. It revealed a  
 24 false compartment that is in the bottom of that  
 25 rolling type duffle bag.

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1           I removed a small, thin type of felt covered  
 2 board that was on top of that compartment, and that  
 3 revealed numerous brick-like bundles that were  
 4 wrapped in clear, heat-sealed plastic that I  
 5 immediately knew from my experience were consistent  
 6 with bundles of illegal narcotics. At that time  
 7 Ms. Cota was placed under arrest.

8           Q. All right. Thank you. And do you see Ms.  
 9 Cota in the courtroom today?

10          A. Yes, sir, I do.

11          Q. Could you describe where's she's sitting and  
 12 what she's wearing?

13          A. She's seated right to your left. She's  
 14 wearing a red jumpsuit, has long, light-colored  
 15 hair and has the earphones on.

16           MR. NELSON: Your Honor, I'd ask that the  
 17 record reflect that Agent Perry has identified the  
 18 defendant.

19           THE COURT: Thank you. And I should have  
 20 made a record earlier that Ms. Cota is using the  
 21 services of our interpreter who is present and was  
 22 previously sworn.

23           Ms. Cota, are those headphones working so  
 24 that you can hear and understand everything? She  
 25 indicates by nodding yes.

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1                   Mr. Nelson.

2                   Q. Special Agent Perry, after you placed the  
3 defendant under arrest, what happened?

4                   A. She was transported back to the DEA office  
5 along with her personal property including that  
6 duffle bag.

7                   Q. And at the DEA office, was she advised of  
8 her Miranda rights?

9                   A. Yes, she was.

10                  Q. And did she waive those rights?

11                  A. Yes, she did.

12                  Q. And did she make any statements to you after  
13 she waived her rights?

14                  A. I wasn't the one that actually interviewed  
15 her, but two other task force officers did, and she  
16 did make statements to them and they relayed the  
17 information to me.

18                  Q. And what did they tell you?

19                  A. She stated that she knew that her duffle bag  
20 contained drugs. She didn't know what type or how  
21 much. She stated that she packaged those drugs in  
22 the clear, heat-sealed plastic in California and  
23 that she was to be paid \$2,500 to transport them to  
24 Chicago, Illinois.

25                  Q. And did you check her criminal history after

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1 her arrest?

2 A. Yes. We fingerprinted her and the criminal  
3 history came back showing no previous arrests.

4 Q. Did it show anything as far as previous  
5 trafficking activity?

6 A. Not on her fingerprints, but during a  
7 post-arrest interview statement she did admit that  
8 she had been arrested coming across the border at a  
9 checkpoint with 50 kilograms of marijuana. And I  
10 did confirm that with -- when I contacted an agent  
11 in (inaudible).

12 Q. And just to be clear, she was not prosecuted  
13 for that?

14 A. No, she was not prosecuted or fingerprinted.

15 Q. Okay. Going back to the drugs that were  
16 found, what was the approximate weight of those  
17 drugs?

18 A. The bundles were weighed. They weighed  
19 approximately 8.10 gross kilograms.

20 Q. And is that amount consistent with  
21 distribution or personal use?

22 A. It's definitely distribution amount.

23 Q. And were the drugs field tested?

24 A. Yes, sir, they were.

25 Q. And what were the results of the field test?

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1       A. They were positive for the presence of  
2 fentanyl.

3       Q. And is this investigation ongoing?

4       A. Yes, sir, it is.

5           MR. NELSON: Okay. No further questions,  
6 Your Honor.

7           THE COURT: Ms. Gorman.

8           MS. GORMAN: Thank you, Your Honor.

9           CROSS-EXAMINATION BY MS. GORMAN:

10          Q. Good morning, Agent Perry.

11          A. Good morning, ma'am.

12          Q. Agent Perry, you said that you were working  
13 at the Amtrak station on April 16th. Why did you  
14 approach this particular train?

15          A. It's a normal train that I work per a part  
16 of my duties.

17          Q. This particular train?

18          A. Yes, ma'am.

19           MR. NELSON: Objection, relevance, Your  
20 Honor.

21           MS. GORMAN: Your Honor, it goes towards why  
22 he approached this train, why he -- any information  
23 he may have had that may have led previous to this  
24 arrest. If I can continue the questioning, I'll  
25 continue it along that matter.

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1           THE COURT: Well, the government's burden is  
 2 to show probable cause here. Whether -- no matter  
 3 what his purpose in approaching the train, he could  
 4 have had probable cause based on the testimony  
 5 that's been provided. I think, technically, the  
 6 objection is correct, so I'd like to keep the scope  
 7 limited to a probable cause hearing.

8           MS. GORMAN: Yes, Your Honor.

9           Q. Agent Perry, when you entered the train, you  
 10 said you approached Ms. Cota. Did you approach any  
 11 other passengers?

12           MR. NELSON: Objection, relevance.

13           MS. GORMAN: Your Honor, it goes towards the  
 14 possession of this luggage, who else was on that  
 15 train, who else may have been traveling with Ms.  
 16 Cota.

17           THE COURT: I'll allow you to explore  
 18 whether there's any evidence of anyone else in  
 19 possession.

20           A. Can you repeat the question, please?

21           Q. When you -- when you entered the train, did  
 22 you approach any other passengers?

23           A. Yes, ma'am, I did.

24           Q. And did you -- as you continued your  
 25 investigation, did you find drugs on any of those

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1 other passengers or their luggage?

2 A. No one else was arrested on that date, no.

3 Q. Okay. Now, when you approached Ms. Cota,  
4 you said you identified yourself. Did she identify  
5 herself?

6 A. I asked her for her ticket and  
7 identification, and she did hand those to me.

8 Q. Okay. And did you speak Spanish with Ms.  
9 Cota?

10 A. Yes, I did.

11 Q. Are you a fluent Spanish speaker?

12 A. No, ma'am, I'm not.

13 Q. And did Ms. Cota speak English with you at  
14 all?

15 A. Maybe a little bit, but very few words in  
16 English. Mostly in Spanish.

17 Q. Okay. But you are not a fluent Spanish  
18 speaker?

19 A. No, ma'am, I'm not.

20 Q. Okay. Did you have any other agents with  
21 you at that time who spoke Spanish?

22 A. I had Albuquerque Police Department  
23 Detective James Montoya. He did help me later on  
24 during when I was speaking with Ms. Cota in  
25 speaking Spanish to her.

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1       Q. Was he with you when you were on the train  
 2 when you initially approached Ms. Cota?

3       A. He was on the train, but he wasn't with me  
 4 when I initially approached her, no.

5       Q. So did he speak with you with Ms. Cota on  
 6 the train?

7       A. We spoke downstairs right outside the  
 8 doorway on the platform, so it actually wasn't on  
 9 the train. We were right off of the train.

10      Q. And you -- you said that you introduced  
 11 yourself and you asked Ms. Cota for permission to  
 12 search her luggage. Was Officer Montoya with you  
 13 at that point?

14      A. I asked her permission to search her  
 15 luggage, then he asked her again, so she gave us  
 16 both permission. So I can't remember if he was  
 17 with me when I initially asked or not.

18      Q. Was there any officer interpreting for you  
 19 when you were initially on the train and approached  
 20 Ms. Cota?

21      A. No, ma'am.

22      Q. Okay. Now, when you asked her for  
 23 permission to search her luggage, you said that she  
 24 showed you a ticket. Did you ask her for written  
 25 permission? Did you provide any type of consent

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1 that was written?

2 A. Well, you asked me a bunch of questions.

3 Can you repeat from the beginning?

4 Q. Yes. So, when you first approached Ms.

5 Cota, you said you introduced yourself and you  
6 asked her for permission to search her luggage.

7 Did you obtain any kind of written consent to  
8 search her luggage?

9 A. Well, when I first approached her I didn't  
10 ask permission to search her luggage. That was  
11 later on. But I didn't ask for written permission,  
12 no, ma'am.

13 Q. So when you first approached her, what did  
14 you ask her?

15 MR. NELSON: Objection. We're getting into  
16 a lot of suppression issues, it seems, Your Honor.  
17 I'm not sure what the relevance of this  
18 questioning --

19 MS. GORMAN: Your Honor, I think a lot of  
20 this goes towards his ability to actually  
21 communicate with Ms. Cota because it's clear he's  
22 not a fluent Spanish speaker. She is a Spanish  
23 speaker, and I think it goes towards how he  
24 established the connection of Ms. Cota to the bags,  
25 her possession of those.

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1           THE COURT: I understand the relevance, but  
 2 I also understand it's beyond the scope of a  
 3 probable cause hearing. He's testified that he  
 4 obtained consent, and I'm not here to determine  
 5 whether the evidence should be suppressed based on  
 6 some flaw in the --

7           Q. So let's talk about this luggage that you  
 8 found. You said that you had two -- Ms. Cota had  
 9 two tickets, is that correct, two luggage tickets?

10          A. Luggage claim check tickets, yes, ma'am.

11          Q. Okay. And did you see those claim check  
 12 tickets?

13          A. Yes. They were stapled to her Amtrak train  
 14 ticket folder.

15          Q. Where was that luggage located?

16          A. In the luggage compartment on the train.

17          Q. And where is that luggage compartment?

18          A. It's one of the cars on the train.

19          Q. Is it separate from Ms. Cota, from where she  
 20 was sitting?

21          A. Yes.

22          Q. Okay. And when you found that luggage, was  
 23 Ms. Cota with you?

24          A. No, she was not.

25          Q. Did she identify that luggage as being hers?

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1 A. No, she did not. She wasn't with me.

2 Q. And when you found the narcotics in the  
3 luggage, when did that happen?

4 A. When I searched the luggage.

5 Q. Was that when you went to the luggage  
6 compartment and found the luggage?

7 A. Yes, ma'am.

8 Q. And did Ms. Cota -- was she with you at that  
9 point?

10 A. No, she wasn't with me during the search of  
11 the luggage or location of the luggage.

12 Q. At any point did she identify that the bag  
13 that you found the contraband in was hers?

14 A. During post-arrest statements, I don't know  
15 specifically what she said about what bag was what,  
16 but not to me she did not.

17 Q. And not at the train station?

18 A. No, I didn't ask her at the train station.

19 Q. And when you found the luggage, were there  
20 other officers with you?

21 A. Yes, James Montoya was with me.

22 Q. Just one additional officer?

23 A. Yes, ma'am.

24 Q. Okay. Was Ms. Cota traveling with anybody  
25 else?

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1 MR. NELSON: Objection, relevance.

2 MS. GORMAN: Again, Your Honor, it goes to  
3 the possession of the luggage.

4 THE COURT: Well, it's a probable cause  
5 hearing and there's already been testimony that she  
6 admitted putting the contents inside the luggage,  
7 so I'm going to find that that's really a discovery  
8 issue or a suppression issue and beyond the scope  
9 of this hearing.

10 Q. When you found the luggage, did it match the  
11 tickets that Ms. Cota had given you?

12 A. She didn't give them to me. I looked at  
13 them and returned them back to her. And, actually,  
14 I took a picture of them, so, yes, they did match.

15 Q. So you did -- did you confirm that the  
16 ticket -- the claim check ticket number matched the  
17 luggage that you searched?

18 A. Yes, ma'am, and also the luggage had her  
19 name on it.

20 Q. And what name was that?

21 A. Daniela Cota.

22 Q. Was there any additional identifying  
23 information on the back?

24 A. I believe there was a phone number also  
25 written on there.

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1       Q. Okay. Now, you said that, when you went to  
2 the DEA station afterwards, you did not interview  
3 Ms. Cota. Is that correct?

4       A. I did not, no.

5       Q. Who did?

6       A. Task Force Officer Clarence Davis and Task  
7 Force Officer Ray Zimmeron.

8       Q. And why didn't you interview Ms. Cota?

9           MR. NELSON: Objection, relevance.

10          THE COURT: Sustained.

11       Q. Did you speak with Ms. Cota at all once you  
12 were at the station?

13       A. We processed her. I may have been involved  
14 a little bit in that but not -- not to any extent,  
15 no, ma'am.

16       Q. And were you involved in taking any of her  
17 post-arrest statement?

18       A. No, I was not.

19       Q. Okay. And you said that you did a field  
20 test of the drugs, correct?

21       A. I did not. Another agent in our office did.

22       Q. And where was that field test performed?

23       A. At the DEA office.

24       Q. And it tested positive for fentanyl?

25       A. Yes, ma'am.

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1 Q. Did it test positive for any other drug?

2 A. No, ma'am, just fentanyl.

3 Q. And at that time did you remove any  
4 fingerprints from the bags?

5 A. No, we don't fingerprint at our DEA office  
6 here.

7 MS. GORMAN: No further questions, Your  
8 Honor.

9 THE COURT: Thank you. Mr. Nelson, any  
10 redirect?

11 MR. NELSON: Yes, Your Honor, briefly.

12 REDIRECT EXAMINATION BY MR. NELSON:

13 Q. Special Agent Perry, you said you're not  
14 fluent in Spanish. In your 20 years with the DEA,  
15 have you interviewed or had consensual encounters  
16 on either the Amtrak train or the bus in Spanish?

17 A. Yes, hundreds of times.

18 Q. And so you're quite familiar with the  
19 ability to have a conversation about the things  
20 you're seeking from passengers in Spanish and  
21 understand their answers?

22 A. Yes. I'm not fluent in Spanish, but I can  
23 conduct a consensual encounter in Spanish.

24 MR. NELSON: Okay. Thank you.

25 THE COURT: Thank you. Ms. Gorman, do you

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1 need to follow up on that?

2 MS. GORMAN: Yes, Your Honor, briefly.

3 RECROSS-EXAMINATION BY MS. GORMAN:

4 Q. Agent Perry, do you read Spanish?

5 A. I wouldn't say I could read Spanish. I can  
6 understand some of it. It depends.

7 Q. Okay. And do you understand when answers  
8 are given to you --

9 MR. NELSON: Objection.

10 Q. -- in Spanish?

11 MR. NELSON: He's just answered that  
12 question, Your Honor.

13 THE COURT: He did just answer that  
14 question.

15 MS. GORMAN: Well, if I may clarify, Your  
16 Honor.

17 THE COURT: You can clarify.

18 Q. Agent Perry, you said you were able to  
19 conduct a consensual encounter in Spanish. So what  
20 does that involve?

21 A. Specific questions pertaining to what I'm  
22 asking concerning passengers' travel and their  
23 documents.

24 Q. So you're able to ask those questions in  
25 Spanish?

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1 A. Yes, ma'am.

2 Q. And are you able to understand when a  
3 defendant --

4 MR. NELSON: Objection. I just asked him  
5 that question. He answered.

6 THE COURT: I'll allow him to answer.

7 A. Yes. It depends on what their answer is.  
8 If they go into a long, drawn-out, five-minute  
9 answer, no, I'm not going to be able to understand  
10 that. But most of the questions I answer -- or I  
11 ask are yes or no or those type of questions. So I  
12 can understand those answers, yes.

13 Q. Okay. And have you studied Spanish?

14 A. Some, yes, ma'am.

15 Q. In what capacity?

16 A. I've worked at various border busses for  
17 numerous years and been around a lot of Spanish  
18 speakers. I've attended a few classes that DEA put  
19 on concerning law enforcement Spanish, how to  
20 understand basic Spanish, so that's basically the  
21 extent. Most of my experience with Spanish is  
22 being around people that speak Spanish and speaking  
23 with them.

24 MS. GORMAN: No further questions, Your  
25 Honor.

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1           THE COURT: Thank you. All right. You may  
 2 step down.

3           THE WITNESS: Thank you.

4           THE COURT: I'm going to find that the  
 5 government has demonstrated probable cause.  
 6 They've presented probable cause regarding the  
 7 jurisdiction, the Albuquerque Amtrak station;  
 8 regarding the knowing and intentional element of  
 9 this crime, which is 21 U.S.C. 841(a)(1). Based on  
 10 the luggage identification and the statement of  
 11 possession; based on the tags for the luggage and  
 12 as well as the post-arrest statement; based on  
 13 intent to distribute from the false compartment,  
 14 the numerous sealed bundles, the defendant's  
 15 post-arrest statement and the quantity; based on  
 16 the nature of the controlled substance from the  
 17 field test, and the witness has also identified the  
 18 defendant here in the courtroom today as being the  
 19 person who was involved in those things, that's  
 20 sufficient for probable cause purposes, and so the  
 21 matter will be scheduled for further proceedings.

22           We're also scheduled, if appropriate, for a  
 23 detention hearing, and I have found probable cause.  
 24 Mr. Nelson, is the United States seeking continued  
 25 detention?

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1 MR. NELSON: Yes, Your Honor.

2 THE COURT: Would you like to be heard, Ms.  
3 Gorman?

4 MS. GORMAN: Yes, Your Honor. Your Honor, I  
5 do believe that there are conditions that can  
6 guarantee Ms. Cota's appearance in court. First of  
7 all, she has no criminal history whatso -- no  
8 criminal convictions, and, although there was the  
9 alleged arrest spoken by the agent, it's my  
10 understanding there was insufficient evidence to  
11 proceed with prosecution on that case.

12 Ms. Cota is a United States citizen. She  
13 was born in Tucson, Arizona, and she has lived back  
14 and forth in Tucson and also in Mexicali with  
15 her -- and Nogales with her mom and dad, but she  
16 does have family in Tucson. She has two aunts and  
17 a cousin.

18 She does work doing field work, picking the  
19 fields outside of El Centro, California, and in  
20 Calexico, California, and she is certainly willing  
21 to do any other -- any work that she can find. She  
22 has an education up through middle school, but,  
23 again, she has no criminal history.

24 Pretrial services is making a recommendation  
25 for La Posada, and it's my -- my understanding

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1 there is a wait list there so she would not be able  
 2 to be released to that facility immediately. But I  
 3 would request the Court to follow pretrial  
 4 services' recommendation; however, I am in the  
 5 process of getting the contact information for her  
 6 family in Tucson and providing that to pretrial  
 7 services so that we may be able to come back before  
 8 the Court at some point to modify those conditions  
 9 to allow her to live in Tucson as she can live with  
 10 her aunt. I have not made contact with her aunt,  
 11 but I do have contact information, and, again, I  
 12 will provide that to pretrial services.

13           But there's no indication that Ms. Cota is a  
 14 danger. She has assured me she has no desire to  
 15 live or reside in Mexico. She was making plans to  
 16 reside with her aunt in Tucson anyway. She does  
 17 have three young children, ages five, three and  
 18 one, that she also supports. So they are in need  
 19 of her financial support and her ability to send  
 20 money to them. So I would ask the Court to  
 21 consider that, as well.

22           THE COURT: Thank you. Mr. Nelson?

23           MR. NELSON: Your Honor, first of all,  
 24 obviously, this is a presumption case. She's  
 25 facing a mandatory minimum of ten years and up to

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1 life in prison. The weight of the evidence, as you  
 2 heard from Agent Perry, is substantial. He  
 3 obtained consent to search her bag, searched it,  
 4 found the drugs and then, back at the district  
 5 office, she admitted to packaging the drugs and  
 6 putting them in her suitcase.

7 She appears to be a significant flight risk,  
 8 as well. She's a citizen -- or she may be a  
 9 citizen of the U.S., but she lives in Mexico. She  
 10 has three children in Mexico. She has no ties to  
 11 the district of New Mexico whatsoever. And while  
 12 she doesn't have a criminal history, as Agent Perry  
 13 discussed, she was arrested for trafficking  
 14 marijuana, I believe it was 50 kilograms, as she  
 15 came across the border, and she was not prosecuted  
 16 because it was below the federal threshold.

17 And, finally, just as a safety to the  
 18 community issue, she was arrested with 18 pounds of  
 19 fentanyl, and to put that in perspective, that is  
 20 enough fentanyl to kill the population of New  
 21 Mexico. So we would ask, based on all of those  
 22 factors, that she be detained.

23 THE COURT: All right. Thank you. I'll  
 24 take judicial notice of the pretrial services  
 25 report. Is there anything that needs to be added

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1 to the report?

2 MR. MARTINEZ: Not to our knowledge, Your  
3 Honor.

4 THE COURT: All right. Ms. Gorman, anything  
5 further?

6 MS. GORMAN: No, Your Honor.

7 THE COURT: All right. This is a  
8 presumption case. I think there has been evidence  
9 presented to rebut the presumption of the evidence  
10 being the potential for -- the potential for an  
11 appropriate family custody kind of situation  
12 involving relatives in Tucson as well as the  
13 pretrial services recommendation that conditions  
14 are available for a third-party custody release to  
15 La Posada; although, we're aware that there's not a  
16 bed at this time so there's a practical problem  
17 with that.

18 However, the evidence having been presented,  
19 the analysis is a little different but the  
20 presumption still is weighed in that balance. And  
21 I am going to find clear and convincing evidence of  
22 a risk of danger to the community based on the  
23 prior smuggling activity as well as the nature of  
24 this offense with the high quantity of fentanyl,  
25 which is an extremely dangerous drug, in

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1 combination with the strong ties to Mexico and the  
2 relative ease with which it would appear that Ms.  
3 Cota can evade federal jurisdiction if she chooses  
4 to do so and essentially go on with her life more  
5 or less as it is.

6 So I think there is a risk of flight by a  
7 preponderance of the evidence and I think there's  
8 clear and convincing evidence of a danger to the  
9 community if she were to be released, so I'm going  
10 to order that she be detained.

11 Ms. Gorman, is there anything else at this  
12 time?

13 MS. GORMAN: No, Your Honor.

14 THE COURT: Mr. Nelson?

15 MR. NELSON: No, Your Honor.

16 THE COURT: I'll remand Ms. Cota.

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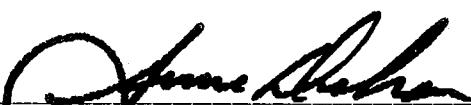
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